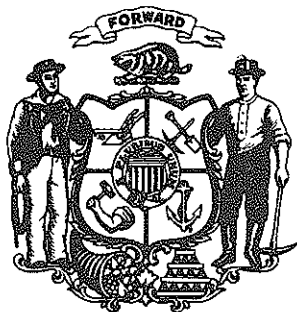


# WISCONSIN STATE ASSEMBLY



**S H E L D O N  
WASSERMAN**  
STATE REPRESENTATIVE

## Assembly Committee on Criminal Justice AB 477 Testimony – December 5, 2007

Good morning, Chairman Kleefisch and committee members. Thank you for the opportunity to testify in favor of Assembly Bill 477 today.

Many of you may have seen recent press reports about a new herb young people are smoking, *Salvia divinorum*. This *Salvia* is a member of the sage/mint family and is closely related to plants you see growing in yards throughout Wisconsin. It differs from the garden plant in that it is hallucinogenic.

*Salvia* alters a person's perceptions of reality. The immediate high is brief, subsiding in about half an hour, but is reported to be very intense. Common side effects of hallucinogenic use are panic, confusion, suspicion, anxiety, and loss of control. The long-term effects may include: flashbacks, mood swings, impaired thinking, sudden violent outbursts and depression that could lead to suicide.

Currently it is legal to sell *Salvia* products in Wisconsin. Although *Salvia* use is not yet widespread, we need to do something about the ready access that teenagers have to it over the Internet and in stores across the state. We cannot allow young people to be deceived into thinking the drug is risk free because it is legal.

This bill targets those individuals who are producing and selling the drug. It imposes a fine not to exceed \$10,000 for manufacturing, distributing or delivering the active ingredient in *Salvia divinorum* with the intent that it be consumed. People who unsuspectingly grow the plant would not be penalized under the law.

I believe that a civil penalty is the appropriate response to the problem we face today. A hefty civil fine will stop the vast majority of the sales and send a clear message to young people that it is not safe, without forcing the taxpayers to spend 30,000 dollars a year putting people in jail.

The bill contains an exception for sales of a USFDA recognized homeopathic drug containing *Salvia* should one become available in the future. This ensures that the law cannot be struck down in its entirety.

I modeled my bill on legislation that has passed in other states. At the request of the Wisconsin Department of Justice I have drafted an amendment that changes terminology that they felt was too vague. The amendment replaces the term "a plant ingredient" to "salvinorin A" and the phrase "the active chemical ingredient in the plant *Salvia divinorum*" to "salvinorin A."

Currently, neither *Salvia divinorum* nor salvinorin A, are controlled under the federal Controlled Substances Act (CSA), but it is on the DEA list of Drugs and Chemicals of Concern. Louisiana, Delaware, Missouri, Tennessee, Oklahoma, Maine, North Dakota and Illinois have all passed legislation controlling *Salvia* and/or salvinorin A. Legislative bills proposing regulatory controls on salvinorin A and/or *Salvia* are pending in Alabama, Alaska, California, Florida, Iowa, New Jersey, New York, Ohio, Oregon, Pennsylvania, Texas and Wisconsin.

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